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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,109	06/20/2003	Cynthia Kae Florkey	LUC-420/Florkey 7-7-15-7-	7782
32205	7590	11/02/2005	EXAMINER GESESSE, TILAHUN	
CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			ART UNIT 2684	PAPER NUMBER

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/600,109	FLORKEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tilahun B. Gesessse	2684	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 20 June 2005.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-20 recites “one or more of the one or more notifications of a one or more open session and second communication devices”, lines 4-11 renders indefinite. It is recommended that claims amended “or” in to and to overcome the 35 USC 112, second paragraph rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1- 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al US patent No. 6,792,265"Chan".

Claim 1. Chan teaches an apparatus (see figure 2 an wireless access protocol (WAP) system using a WAP capable cellular telephone) further teaches, a WAP

capable of cellular telephone (100) and a processor (102) that is also responsible for running any processor used by the telephone for example , the processor runs the Web browse type process that communicated data over the internet , and for sending and retrieving e-mail , accessing Web pages of information, and sending information to a Web site , see column 2, lines 28-53 and figure 1) comprising:

Chan teaches an application server (203 and 202) component that receives one notifications of one open communication sessions from one first communication devices (100) (see figure 4, , conference call and set up conference call , 410-412 of figure 4) and column 5, lines 4-68) ,

Chan teaches the application sever component sends one of the one notifications of one of the one open communication sessions to one second communication devices (see figure 4, items # 413-415, column 5, lines 29-68)

Chan teaches upon a request by a communication device of the one of second communication devices to join an open communication session of the one of the one open communication sessions, (column 5, line 29-68) the application server component initiates a connection of the communication device to the open communication session (toggle to WAP browser request and continues to conference , see column 5, lines 42- column 6, line 30) .

Claim 2. Chan teaches all the limitation as explained above in claim 1. Chan further teaches the one of the one notifications comprise information of the one of the one open communication sessions', wherein the application server component sends the one or more of the one notifications to the one second communication devices to

output the information to one or more users of the one or more second communication devices(see figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

Claim 3. Chan teaches all the limitation as explained above in claim 2. Chan further teaches the information comprises one topics of the one of the one open communication sessions (see figure 4, theater),

Chan teaches the one or more users of the one or more second communication devices comprise communication device to make a selection of a topic from the one topics, user of the communication device, wherein the user employs the wherein the topic corresponds to the open communication session' (see figure 4)

Chan teaches the communication device sends the request that comprises the topic to the application server component to join the open communication session;

Chan teaches the request, the application server component initiates the connection of the communication device to the open communication session (figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

Claim 4. Chan teaches all the limitation as explained above in claim 2. Chan further teaches the information comprises a list of the one first communication devices (see figure 5) wherein the one user of the second communication devices comprise a user of the communication device, (see figure 5)

Chan teaches the user employs the list to make a determination to join the open communication session (see figure 4) wherein upon the determination, the

communication device sends the request to the application server component (see figure 4)

Chan teaches upon receipt of the request, the application server component initiates the connection of the communication device to the open communication session (see figure 2 and figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

Claim 5. Chan teaches all the limitation as explained above in claim 2. Chan further teaches the information comprises a limit to a number of the one second communication devices able to participate in the open communication session; wherein once the number of the one or more second communication devices in the open communication session reaches the limit, the application server component rejects subsequent requests of the one or more second communication devices to join the Communication Session (figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30) .

Claim 6. Chan teaches all the limitation as explained above in claim 1. Chan further teaches the request comprises a session identification of the open communication session, wherein the application server component sends the session identification to the one or more control components to initiate the connection of the communication device to the open communication session; wherein the one or more control components employ the session identification to connect the communication

device to the open communication session (figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30) .

7. Chan teaches all the limitation as explained above in claim 1. Chan further teaches a third communication device accesses the application server component to obtain a list of the one or more open communication sessions-, wherein upon a request by the third communication device to join the open communication session, the application server component initiates a connection of the third communication device to the open communication session (column 7, lines 1-column 8, line 60 and figure 5-7).

Claim 8. Chan teaches all the limitation as explained above in claim 1. Chan further teaches prior to receipt of the request from the communication device by the application sever component, the one or more first communication devices send a notification of a private communication session to one or more of the one or more second communication devices', the open communication session becomes the private communication Session (column 7, lines 1-column 8, line 60 and figure 5-7)..

Claim 9. Chan teaches all the limitation as explained above in claim 8. Chan further teaches the application server component receives one or more requests to join the private communication session from the one of the one second communication devices(column 7, lines 1-column 8, line 60 and figure 5-7).

Claim 10. Chan teaches all the limitation as explained above in claim 9. Chan further teaches the application server component sends one rejection of the one

requests to the one if the one second communication devices ((column 7, lines 1-column 8, line 60 and figure 5-7)..

Claim 11. Chan teaches all the limitation as explained above in claim 9. Chan further teaches the application server component sends one acceptances of the one or more requests to the one or more of the one or more second communication devices(column 7, lines 1-column 8, line 60 and figure 5-7).

Claim 12 Chan teaches all the limitation as explained above in claim 1. Chan further teaches the one open communication sessions comprise one voice chat roomy, wherein the one notifications of the one open communication session comprise one notifications of one or more topics of the one voice chat rooms; wherein the application server component sends one or more of the one or more notifications of one or more of the one voice chat rooms to the one second communication devices (column 7, lines 1-column 8, line 60 and figure 5-7).

Claim 13.A method, comprising the steps of: sending one notifications of one or more open communication sessions to one or more communication devices', receiving a request to join an open communication session of the one open communication sessions from a communication device of the one or more communication devices and initiating a connection of the communication device to the open communication session (column 7, lines 1-column 8, line 60 and figure 5-7).

Claim 14. Chan teaches all the limitation as explained above in claim 13. Chan further teaches the one or more notifications comprise information of the one open communication sessions, wherein the information comprises one of a topic, a list of one

or more users of the one or more communication devices, and a list of the one or more open communication sessions, wherein the one of the topic and the list correspond to the communication ion wherein the step of receiving the request to join the open communication session, from the communication device comprises the steps of: employing the one or more of the topic, the list of the one or more users, and the list of the one or more open communication sessions to make a determination to join the open communication session; and receiving the request to join the open communication session from the communication device(column 7, lines 1-column 8, line 60 and figure 5-7 and (figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

Claim 15. Chan teaches all the limitation as explained above in claim 13. Chan further teaches the one or more notifications comprise information if the one open communication sessions, wherein the information comprises a limit to a number of the one communication devices able to participate in the open communication session, wherein the' step of receiving the request to join the open communication session from the communication device comprises the steps of: receiving the request to join the open communication session from the communication device upon reaching the limit of the number of the one communication devices and sending a rejection of the request to the communication device prior to initiation of the connection of the communication device to the open communication session(column 7, lines 1-column 8, line 60 and figure 5-7 and (figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

16. Chan teaches all the limitation as explained above in claim 13. Chan further teaches the request comprises a session identification of the open communication session, wherein the step of initiating the communication session comprises connection of the communication device to the open communication session (column 7, lines 1-column 8, line 60 and figure 5-7 and (figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

Claim 17. Chan teaches all the limitation as explained above in claim 13. Chan further teaches the step of initiating the connection of the communication device to the open communication session comprises the steps of: enabling access to a list of the one or more open communication sessions to a second communication device; receiving a request to join the open communication session from the second communication device, and initiating the connection of the second communication device to the open communication session (column 7, lines 1-column 8, line 60 and figure 5-7 and (figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

Claim 18. Chan teaches all the limitation as explained above in claim 13. Chan further teaches the one or more communication devices comprise one or more first communication devices, the method further comprising the steps of: receiving a notification of a private communication session prior to receipt of the request to join the open communication from one or more second communication devices; sending the notification of the private communication session to one or more of the one or more first communication devices', and changing the open communication session to the private communication session(column 7, lines 1-column 8, line 60 and figure 5-7 and(figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

Claim 19. An apparatus , comprising: one or more computer-readable signal-bearing media', means in the one or more media for sending one or more notifications of one ()r more open communication sessions to one or more communication devices', means in the one or more media for receiving a request to join an open communication session of the one or more open communication sessions from a communication device of the one or more communication devices; and .means in the one or more media for initiating a connection of the communication device to the open communication session(column 7, lines 1-column 8, line 60 and figure 5-7 and(figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

Claim 20. Chan teaches all the limitation as explained above in claim 19. Chan further teaches the one or more notifications comprise information of the one open

communication sessions, wherein the information comprises one or more of a topic, a list of one users of the one communication devices, and a list of the one or more open communication sessions, wherein the one of the topic and the list correspond to the communication session, wherein the means in the one or more media for receiving the request to join the open communication session from the communication device comprises: means in the one media for employing the one or more of the topic, the list of the one users, and the list of the one open communication sessions to make a determination to join the open communication session; and means in the one media for receiving the request to join the open communication session from the communication device(column 7, lines 1-column 8, line 60 and figure 5-7 and(figure 4, items # 413-415, column 5, lines 29-68, column 5, lines 42-column 6, line 30).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brian et al (US patent No. 6499053) teaches a chat system including a chat server and plurality of chat clients in a network (see abstract).

Bourraud (US publication patent No 2004/0037406) teaches a method and system for exchanging instant messages among participants to a conference call , (see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

The Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

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*10/28/05*